



**Best Available Copy**

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In Re Application of:</b>	Burmeister et al.
<b>Application No.:</b>	09/427,291
<b>Filed:</b>	October 26, 1999
<b>For:</b>	IMPROVED TISSUE SUPPORTING DEVICES
<b>Examiner:</b>	Paul B. Prebilic
<b>Group Art Unit:</b>	3738

Box Non-Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Docket No: S63.2-4944-US04**

**REQUEST FOR CORRECTION OF USPTO FILE OF AN ANCESTOR APPLICATION  
(PETITION UNDER 37 CFR 1.182 - QUESTIONS NOT SPECIFICALLY PROVIDED FOR)**

This application claims benefit of ancestral application 08/246,320, filed 05/19/1994, now abandoned. In reviewing a copy of the USPTO file for application 08/246,320, and comparing it to the undersigned attorney's file for same, it was discovered that three of the original 18 sheets of drawings, which the undersigned attorney's file shows were submitted with the application, are not in the USPTO file. The official filing receipt and the USPTO file jacket only record 15 sheets of drawings with the application, and only 15 sheets are found in the USPTO file. This is an error.

The original application transmittal letter for application 08/246,320, a true copy of which is attached, shows that 18 drawings were submitted. A copy of this letter is also found in the USPTO file. The USPTO returned a postcard receipt acknowledging 18 pages of drawings.

True copies of that post card receipt and the three sheets of drawings missing from the USPTO files (containing Figures 10c, 11a, 14a and 14b), are also attached.

It is requested that the USPTO correct its file for application 08/246,320, to show that 18 sheets of drawings were filed in the original application, and to insert a copy of the enclosed three drawings sheets into the file. This request is submitted on the basis of the transmittal letter and postcard receipt evidence submitted herewith.

As additional support for the relief requested herein, the Office's attention is directed to the fact that no notice of omitted parts was sent in application 08/246,320. At the time it was the practice of the USPTO to deny a filing date if all the drawings listed in the Brief Description of the Figures were not included. The Brief Description of the Figures in application 08/246,320 includes a listing of Figure 14 on page 3 of the specification. No Figure 14 is in the 15 drawing sheets in the USPTO file. If the USPTO had only received the 15 sheets of drawings currently in its file for application, 08/246,320, a notice of omitted parts would have issued and no filing date would have been granted until the applicant proved the missing drawings by a petition submitting a copy of the post card receipt with a copy of the drawings.

Both the USPTO and the undersigned attorney's files show that formal drawings were filed on August 25, 1994. The formal drawing sheets include Figures 10c, 11a, 14a and 14b. No objection was made by the Examiner to the inclusion of Figures 10c, 11a, 14a or 14b.

There is nothing in the undersigned attorney's file that indicates that the discrepancy between the postcard receipt and the official filing receipt was noticed at any time while application 08/246,320 was pending. If either a notice of omitted parts or an objection to the formal drawings had been made in the application it is believed that the requested correction would have been made during the pendency of the application.

#### CONTINGENT REQUEST

If this petition should have been submitted as a petition to suspend the rules and/or filed with a petition to revive application 08/246,320, it is requested that it be treated as such and any additional fees be charged to deposit account 22-0350.

**Application No.: 09/427,291**


**August 25, 2005**

***Request for Correction of USPTO file of an Ancestor Application***

All statements made herein are hereby declared to be true under penalty of perjury under the laws of the United States of America and of the State of Minnesota.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS, P.A.

Date: 8/25/2005

By:   
Walter J. Steinkraus  
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**Attachments:**

Transmittal letter for application 08/246,320 (2 pages);

Post card receipt for application 08/246,320 (1 page);

Three sheets of drawings (Figures 10c, 11a, 14a and 14b), missing from USPTO file of application 08/246,320.



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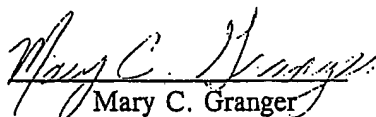
THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Paul H. Burmeister, Charles L. Euteneuer, Brian J. Brown,  
Paul J. Fordenbacher

TITLE: IMPROVED TISSUE SUPPORTING DEVICES

Docket No: S63.2-4944

Certificate Under 37 CFR 1.10: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as Express Mail Label No. TB576242238, addressed to "Box Patent Application, Commissioner of Patents and Trademarks, Washington D.C. 20231, on this 19th day of May, 1994."

  
Mary C. Granger

Box Patent Application  
Hon. Commissioner of Patents  
& Trademarks  
Washington, D.C. 20231

We are transmitting herewith the attached:

- ☒ Patent Application: (Specification: 10 sheets; Claims: 5 sheets; Abstract: 1 sheet).
- ☒ Drawings: 18 sheets ☐ formal ☒ informal
- ☒ Assignment of invention to SciMed Life Systems, Inc. was recorded in the PTO at Reel     Frame    , or a copy thereof is enclosed for recordation (with Recordation Form Cover Sheet).
- ☒ Declaration
- ☒ Power of Attorney, if from assignee, it is hereby certified that the undersigned has authority to make this certification and has reviewed all the documents in the chain of title of the patent application identified herein and, to the best of undersigned's knowledge and belief, title is in the assignee identified above (37 CFR 3.73(b)). If filed under §1.60(b) a copy of the power of attorney from the prior application is enclosed.
- ☐ Verified Statement Claiming Small Entity
- ☐ Preliminary Amendment - Fee Calculation based on amendment
- ☐ Information Disclosure Statement
- ☒ Filing Fees: ☒ \$1,006.00 for filing fee; ☒ \$40.00 Assignment Recording Fee
- ☒ Other: Application Cover Sheet
- ☒ Return Post Card

☐ PRIORITY IS CLAIMED UNDER 35 U.S.C. §119. A certified copy priority application(s) is     attached,     will follow.

☐ FILING UNDER 37 CFR 1.60(b), PRIORITY IS CLAIMED UNDER 35 U.S.C. §120. The new application being transmitted claims the benefit of prior U.S.

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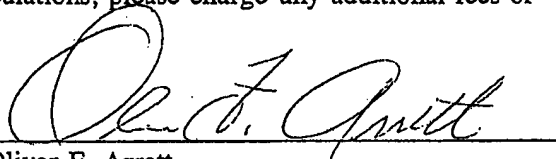
application(s). I hereby verify that the attached papers are a true copy of what is shown in my records to be the prior application identified in the preliminary amendment, including the declaration, and that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter.

Charge Deposit Account No. 22-0350 the sum of \$\_\_\_\_\_.  
(new application filing fee (\$\_\_\_\_\_) and Recording Assignment fee (\$40.00))

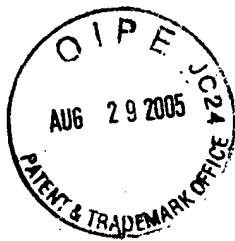
FEE CALCULATION	No. of Claims Filed	Claims included in Base Fee	No. of Extra Claims	Rate	Fees:
Total Claims	20	-20 =	-0-	x 22	\$-0-
Independent Claims	7	-3 =	4	x 74	\$296.00
Multiple Dependent Claims				x 230	\$
<input checked="" type="checkbox"/> Basic Filing Fee (\$710.00)					\$710.00
<input type="checkbox"/> Design Filing Fee (\$290.00)					
<input type="checkbox"/> Verified Statement Claiming Small Entity (deduct 1/2 fee). If filed under §1.60 the verified statement has been filed in the parent application, and that status is still proper and desired.					-
TOTAL:					\$1006.00

The Filing Fee will be paid with the response to the Notice of Missing Parts.

X In case of an error in the above fee calculations, please charge any additional fees or credits to Deposit Account 22-0350.

By:   
Oliver F. Arrett  
Attorney Reg. 22,117  
Attorneys for Applicant

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F:\WPWORK\FORMS\PA-TRANS



THIS WILL ACKNOWLEDGE RECEIPT OF THE  
FOLLOWING IN THE U.S. PAT AND TM  
OFFICE. ENCLOSURES: New Patent Application Including  
10 Pgs Specification; 5 Pgs Claims; 1 Pg Abstract; 18 Pgs  
Drawings; Informal; Assignment and Cover Page; Declaration;  
Power of Attorney; Checks for \$40.00 and \$1,006.00;  
Application Cover Sheet; Return Post Card

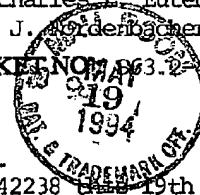
APPLICANT: Paul H. Burneister, Charles L. Euteneuer,  
Brian J. Brown, Paul J. Widenmacher

SERIAL NO. Filed Concurrently Herewith DOCKET NO. 863.2-1944

PRIORITY DATE: May 19, 1994

CLIENT: SCIMED LIFE SYSTEMS, INC.

MAILED: Via Express Mail TB576242238 19th day of  
May, 1994.



08/246320

OFA/mcg

161 21650

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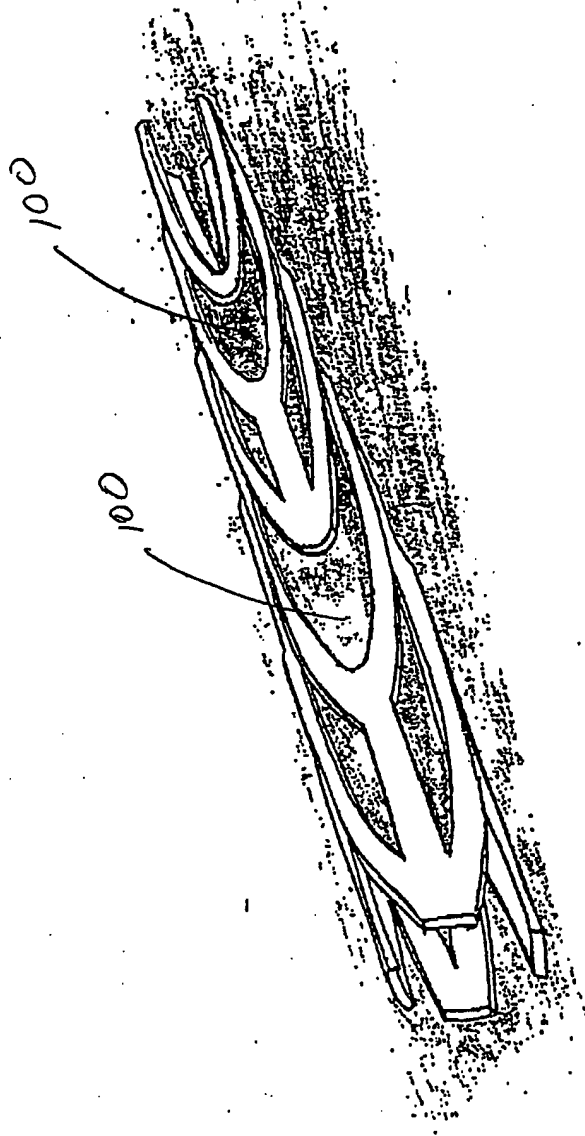


Fig 10c

Articulated

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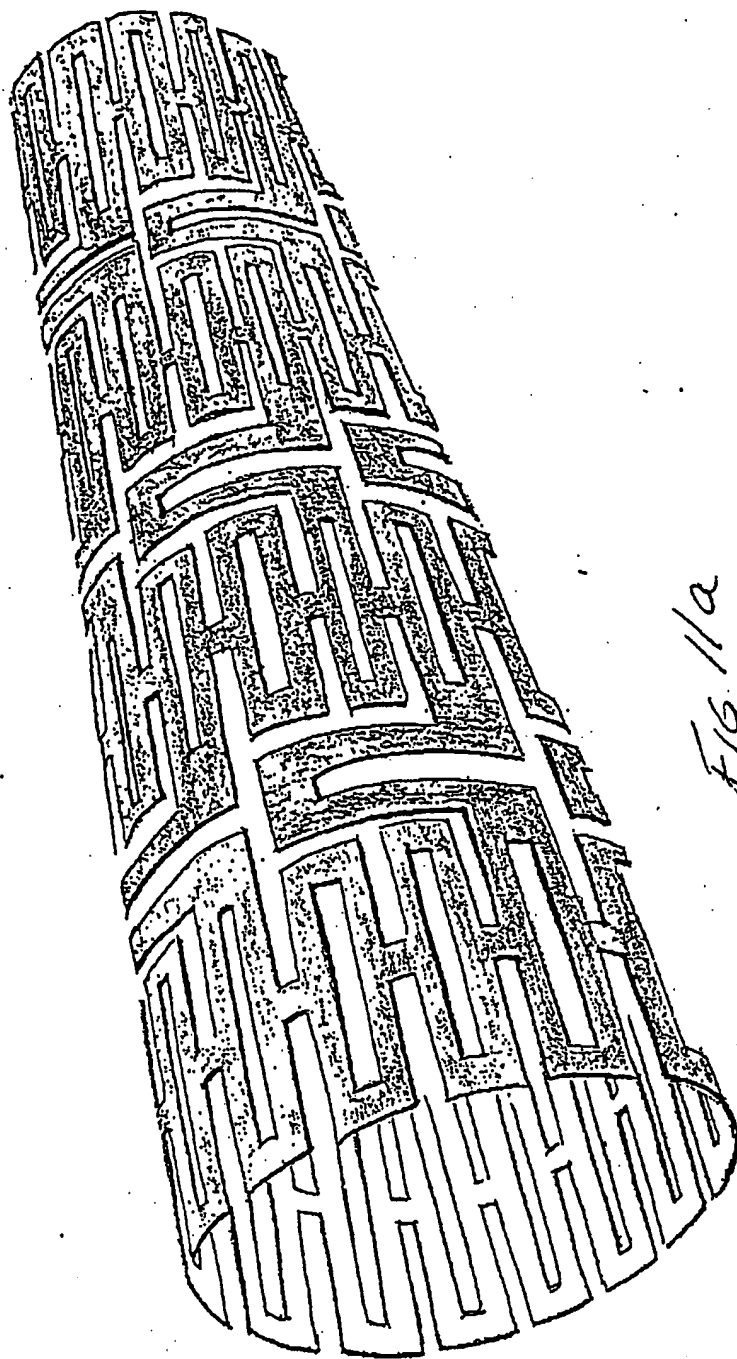


FIG. 11a

5.16.94  
Dunk



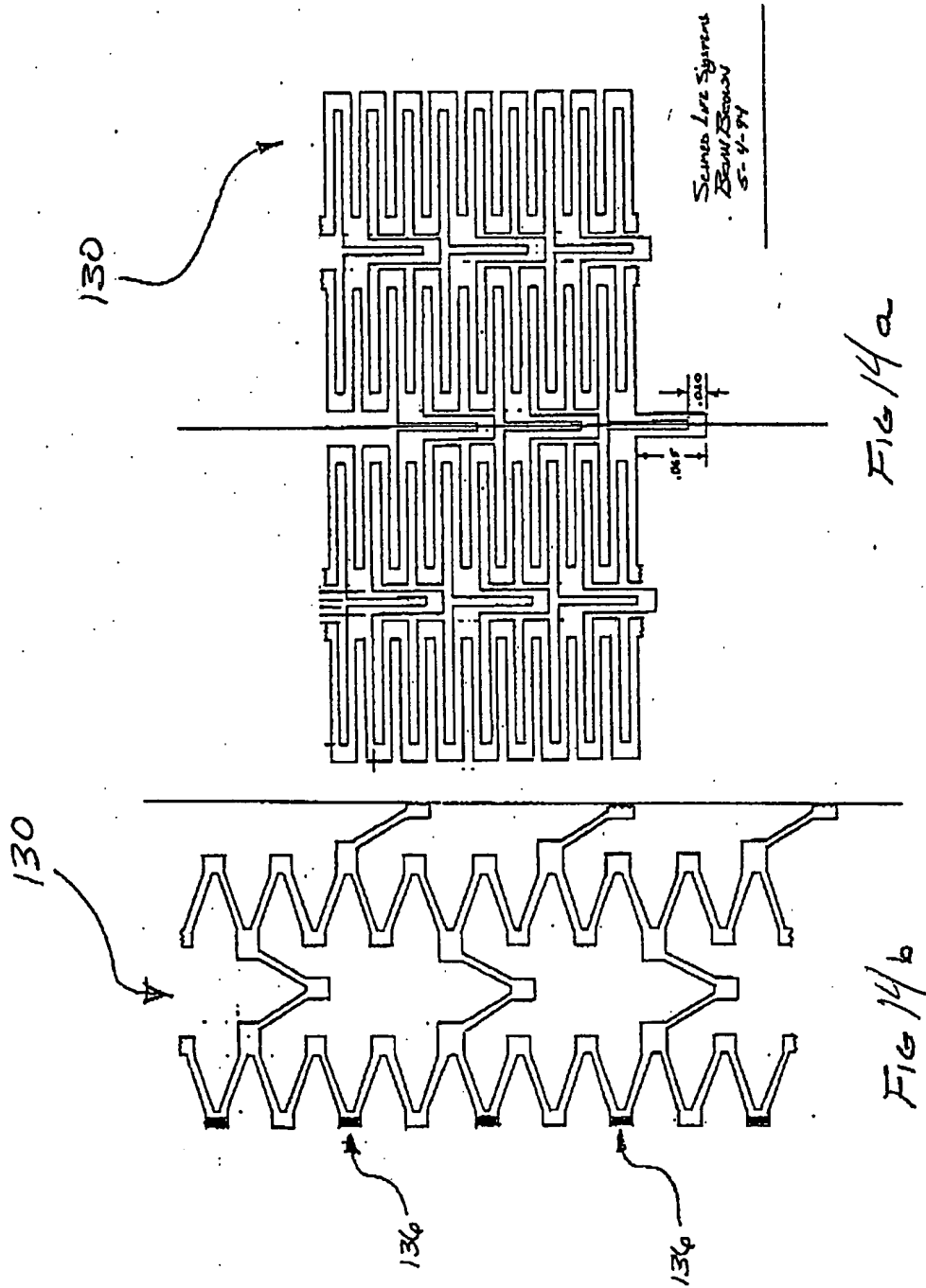


Fig 14a

Fig 14b